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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,535	03/31/2004	Daewoong Suh	042390.P18729	9982

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EXAMINER

LAM, CATHY FONG FONG

ART UNIT PAPER NUMBER

1775

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,535

Applicant(s)

SUH, DAEWOONG

Examiner

Cathy Lam

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 05, 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 25-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-7, 10 and 25-27 is/are rejected.
7) ☒ Claim(s) 4, 8, 9 and 28-30 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

In view of the amendment filed on July 05, 2005, the pending claims continue to be unpatentable as following:

Claim Objections

1. Claims 25, 26, 28, 29 and 30 are objected to because of the following informalities; the phrases "an electroless a nickel layer", "electroless nickel layer" are suggested to change to – a nickel layer – and – nickel layer --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1, 2, 25 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear if the base portion is a nickel layer (as in claims 2 & 27) how can the two nickel layers (ie. the nickel base portion and the deposited nickel layer) have different hardness.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 5-7, 10 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isono et al (US 5458985).

Isono discloses a tool (or a stamper) comprised of a base layer (8) and a metal composite (3,4,5) deposited over the base layer (8).

Art Unit: 1775

The base layer (8) that is made from the electroformed layer (7) is formed of nickel (col 5 L 39-43). The metal composite is made of a plurality of metal layers such as nickel/tantalum or chrome/nickel layer system (col 3 L 42-46 & col 4 L 4-6).

Isono's stamper is used in making a plastic substrate having a groove pattern (col 1 L 11-14).

The metal composite layer (ie. nickel/tantalum/nickel layer) all added together is 850 Å or (0.085 µm) (col 6 L 10-14).

Isono teaches that the metal base (8) is a nickel material, but is silent about metal base (8) could be a nickel alloy material.

In view of the prior art teaching, it would have been obvious to choose nickel alloy because choosing a desired material is a matter of design choice.

Allowable Subject Matter

4. Claims 4 and 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if incorporate into independent claims.
5. Claims 28-30 would be allowable if rewritten or amended to overcome the objection, set forth in this Office action.

Applicant is suggested to change the dependencies of the existing claims by having claims 26 & 27 depend upon claim 28; claims 4 depend on claim 3, claims 3, 5, 6, 9 and 10 depend on claim 30. Applicant is also suggested to cancel claims 1-2, 7-8 and 25.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy Lam whose telephone number is (571) 272-1538. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1775

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cathy Lam
Primary Examiner
Art Unit 1775

Cfl
September 17, 2005